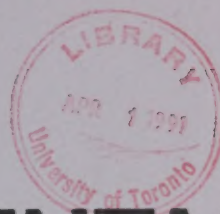


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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 296

DATE: Wednesday, March 13, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

FARR
ASSOCIATES &
REPORTING INC.

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2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the offices of the Ontario
Highway Transport Commission, Britannica
Building, 151 Bloor Street West, 10th Floor,
Toronto, Ontario, on Wednesday, March 13,
1991, commencing at 10:00 a.m.

VOLUME 296


BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. E. HANNA)	ONTARIO FEDERATION OF
DR. T. QUINNEY)	ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. N. KLEER)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION



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APPEARANCES: (Cont'd)

MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS		ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING		VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD)	
MR. R. REILLY		ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

Page No.

Scoping Session (FFT Panel 10)

52786

1 ---Upon commencing at 10:05 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 Good morning, Ms. Swenarchuk.

5 MS. SWENARCHUK: Good morning.

6 MADAM CHAIR: The Board has a few brief
7 comments with respect to the witness statement for your
8 panel No. 10 and your witness Mr. Zane Smith, and these
9 are the matters the Board would like to see
10 specifically addressed by Mr. Smith.

11 Mr. Hanna, the first point was, will you
12 be leading any evidence in your case about the U.S.
13 national forest system?

14 MR. HANNA: Madam Chair, one of our --
15 well, of course Dr. Thomas works for the U.S. Forest
16 Service and is deeply involved in the planning itself,
17 but from the point of view of wildlife as opposed to
18 the planning process inside of things.

19 Another witness that we will possibly be
20 calling is an economist/forest planner type from the
21 U.S. who has prepared extensive reviews of the U.S.
22 planning process and is quite conversant in terms of
23 how the process operates and that sort of thing.

24 The evidence that we were anticipating
25 that he would lead or would provide would be in the

1 field of -- primarily in terms of the socio-economics
2 and quantification of resource benefits associated with
3 timber management planning.

4 He certainly is knowledgeable of the
5 planning process, but it was not our intention to call
6 the type evidence that I believe Mr. Smith is going to
7 be giving in terms of the planning process itself.

8 The planning evidence that we will be
9 leading will be more, if you will, a Canadian version
10 of what we see is needed in terms of timber management
11 planning as opposed to the U.S. process itself.

12 MADAM CHAIR: Thank you for that
13 reassurance, Mr. Hanna.

14 It is the Board's view, as we have gone
15 through Mr. Smith's evidence, that he is providing a
16 very comprehensive analysis of how the national forest
17 system works in the United States and that we couldn't
18 see any value in having other witnesses on that topic,
19 and it sounds as though your witnesses will be
20 specifically about wildlife in the case of Mr. Thomas
21 and about other aspects and not -- we just don't intend
22 to cover again any of the information that Mr. Smith
23 has in his witness statement. Thank you.

24 Our first question to Mr. Smith is, we
25 would like to see some comparative figure for our area

1 of the undertaking in Ontario that compares with the
2 size of the 77.3 million hectares of forest and grass
3 lands that Mr. Smith uses in describing the size of the
4 U.S. national forest system.

5 It's not clear to us -- well, it is very
6 clear to us that our area of the undertaking is much
7 larger, but with respect to that 77.3 million hectares,
8 is most of that forested land or is a large component
9 of that grass land? We want to get a sense of a
10 comparison of the size of the areas of the two.

11 Our second question comes from a
12 statement on page 45 where Mr. Smith says:

13

14 "Planning that is characterized by
15 such terms as mitigation, tradeoff and
16 conflict usually is not truly
17 integrated multiple use..." and this is
18 his view of what's being proposed in Ontario.

19 Our question is, how does integrated
20 multiple use avoid these issues, particularly conflict.

21 We think we understand what Mr. Smith is
22 telling us, but we still don't believe there isn't any
23 conflict in the U.S. system and we want to know how
24 that conflict is handled in the process.

25 MS. SWENARCHUK: We certainly will be

1 addressing that, Madam Chair.

2 MADAM CHAIR: Thank you.

3 On page 49 Mr. Smith makes the statement,
4 and again it is his observation about the proposed
5 Ontario system that:

6 "The public is involved in a more or
7 less reactive way."

8 Again, we want to know in the U.S. system
9 how the public is involved in a way that isn't
10 reactive. Obviously they are given documents to look'
11 at, they are given things to react to with respect to
12 the planning process and we don't, again, understand
13 the distinction between why it is reactive in Ontario
14 and how that's avoided in the United States.

15 On page 51, Mr. Smith describes his view
16 of the need for general public participation as
17 distinct from local input and --

18 MS. SWENARCHUK: Could you identify...

19 MADAM CHAIR: Page 51.

20 MS. SWENARCHUK: Yes.

21 MR. FREIDIN: Last line of the first full
22 paragraph referred to, General Public Participation.

23 MADAM CHAIR: "The same can be said about
24 general public participation
25 opportunities."

1 It is mentioned there and I think in a
2 page or two before as well.

3 Our interest is what sort of success they
4 have had in the U.S. planning system to obtain general
5 public participation.

6 Do they feel they have been able to do
7 that and how have they done it.

8 MS. SWENARCHUK: I might just say, Madam
9 Chair, that with respect to some of these questions
10 they are questions that were addressed in the
11 Conservation Foundation critique which is in the source
12 book materials and I will be asking him to refer to
13 that critique on some of these questions. It might be
14 helpful for you to know that in any event.

15 MADAM CHAIR: All right. Finally, the
16 Board is interested in sorting out how comparable our
17 situation is in Ontario with that in the United States
18 and looking at the dependence of the forest industry on
19 these two separate areas.

20 We note that only 18 per cent of the
21 forest industry depends on the national forest lands in
22 the United States and we remember from Mr. Maser's
23 evidence that the forest industry is shrinking even
24 more, or that's his view of what is happening in the
25 northwest.

1 Mr. Smith is telling us that in fact 74
2 per cent of the wood used by the U.S. industry comes
3 not from the system he is talking about, national
4 forest lands, but presumably from private forest lands
5 and we would be very interested if he could tell us
6 briefly what the planning approach is on private lands
7 with respect to forest or timber management.

8 Obviously, the Board doesn't have any
9 evidence before it to know how those lands are managed
10 and if Mr. Smith has the knowledge we would appreciate
11 hearing it, and also whether he knows if changes are
12 anticipated in the management of private forest lands
13 in the United States.

14 We are very interested in knowing whether
15 anything like the planning process on national forests
16 applies to privately managed forest lands as well.

17 Those are the Board's questions with
18 respect to Mr. Smith's witness statement.

19 MS. SWENARCHUK: Thank you.

20 MADAM CHAIR: Do you have any questions
21 for the other parties, Ms. Swenarchuk?

22 MS. SWENARCHUK: I don't.

23 The only comment I have is that I now
24 have to file with you as part of the source book the
25 Regional Guide for the Pacific Northwest Region which

1 we didn't have an additional copy before. It will be
2 available to the other parties now.

3 MADAM CHAIR: To form part of the source
4 material?

5 MS. SWENARCHUK: That's right, with
6 respect to the Willamette forest...

7 It is not part of the plan, but it is one
8 of the planning documents.

9 MADAM CHAIR: One of the documents?

10 MS. SWENARCHUK: Yes.

11 MADAM CHAIR: In any of the other parties
12 want to see this Mr. Pascoe will make it available for
13 you.

14 Do any of the other parties have
15 questions with respect to this evidence or anything
16 they want to say to the Board about it?

17 (no response)

18 Do we have a sense of how long the
19 parties will be this cross-examination?

20 First, how long will you be with the
21 direct?

22 MS. SWENARCHUK: Not more than two days
23 and I will aim for a day and a half, but it may be two.

24 MADAM CHAIR: Mr. Cosman?

25 MR. COSMAN: One to two, Madam Chair.

1 MADAM CHAIR: Mr. Hanna?

2 MR. HANNA: I will be one to two, Madam
3 Chair.

4 MR. MARTEL: More than two?

5 MR. HANNA: No, one to two.

6 MR. MARTEL: Fine. Thank you.

7 MADAM CHAIR: Mr. Freidin?

8 MR. FREIDIN: Two.

9 MADAM CHAIR: Ms. Seaborn?

10 MS. SEABORN: Two to three hours, Madam
11 Chair.

12 MADAM CHAIR: Thank you.

13 Well, we have scheduled Mr. Smith for two
14 weeks and certainly we will complete his...

15 MS. SWENARCHUK: That's right. It is,
16 however, somewhat of a short week since the Monday of
17 the second week is Easter, Easter Monday, so we have
18 seven days.

19 MADAM CHAIR: We have seven days. I see
20 no reason why we can't finish this evidence in seven
21 days.

22 You obviously have a problem in bringing
23 Mr. Smith up and down and we won't extend --

24 MS. SWENARCHUK: Thank you very much.

25 MADAM CHAIR: You can commit to him that

1 he won't be here longer than those seven days and we
2 will simply fit in the evidence.

3 Ms. Seaborn?

4 MS. SEABORN: Madam Chair, do we begin at
5 10:30 on the Monday that we return and again on the
6 following Tuesday?

7 MADAM CHAIR: Is Easter Monday the first
8 week of this or the second?

9 MS. SEABORN: The second week.

10 MS. SWENARCHUK: The second week. The
11 first day of testimony is March 25th.

12 MADAM CHAIR: The regular hours on
13 Monday.

14 ---Discussion off the record

15 MADAM CHAIR: We will start at nine
16 o'clock on the 25th. That's convenient for Mr. Martel.

17 Is there anything else about this witness
18 panel, Ms. Swenarchuk?

19 MS. SWENARCHUK: No, Madam Chair.

20 MADAM CHAIR: The second issue, and I
21 don't know if we should take it up today or not, it is
22 with respect to letters we received from Ms. Cronk on
23 behalf of the OFIA and Ms. Murphy on behalf of the MNR
24 with respect to the cancellation of Dr. Legator's
25 evidence.

1 Is there any objection from Mr. Cosman or
2 Mr. Freidin in discussing this matter briefly now?

3 MR. COSMAN: Madam Chair, I am not fully
4 apprised of the nature of that situation. I think it
5 would be important to have Ms. Cronk here from our
6 perspective, but if it is a matter of just getting
7 something clarified and setting a date --

8 MADAM CHAIR: That's what we will do. We
9 want to know whether Ms. Swenarchuk has any objections
10 to what the Board thinks are probably practical
11 suggestions from those parties.

12 Do you have any objections to those?

13 MS. SWENARCHUK: Well, what I would like
14 to indicate is that I have discussed this matter with
15 my client. I don't yet have a decision as to whether
16 even a request would be made to you, and if I could
17 convey that decision to you next week or when we
18 reconvene it may not be necessary to go any further
19 with the matter.

20 MADAM CHAIR: All right, that's fine.
21 The sooner you get us an answer on that the better.

22 MS. SWENARCHUK: Yes.

23 MADAM CHAIR: But certainly we would
24 indicate to the parties that it seems logical that the
25 Board would get rid of Dr. Legator's written evidence

1 and any written materials we have with respect to that
2 evidence would obviously be eliminated and not relied
3 upon by us in any way whatsoever, and we think it's
4 fair that Ms. Swenarchuk should inform the Board before
5 the end of her case what she intends to do with this
6 area of evidence.

7 All right. Thank you very much and we
8 will see you on March the 25th at 9:00 a.m.

9
10 ---Whereupon the hearing was adjourned at 10:20 a.m.,
11 to be reconvened Monday, March 25, 1991 commencing
12 at 9:00 a.m.

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